

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

EASTERN DIVISION


FILED
RICHARD W. NAGEL
CLERK OF COURT

2023 MAR 23 PM 1:13

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

Timothy Gales

Plaintiff


3/13/23

Case No. 2:21-cv-328

v.

Judge Michael H. Watson

Thomas Charles et,al

Magistrate Judge Jolson

Defendants

Plaintiff Motion Requesting To Strike Second Amended Complaint filed on March 22, 2023 without proper leave from the court. and, to request pursuant to honorable Watson Opinion and Order delivered on March 10, 2023. In addition the plaintiff has been authorized by the this Court to amend complaint. This is not a copy of the proposed amended complaint as required by the court.

Memorandum in support to strike is attached.

Memorandum in support to strike March 22, 2023 pleadings

Now comes Plaintiff Timothy Gales requesting the court to strike his pleadings filed on March 22, 2023. The plaintiff filed his pleading without first reviewing the Opinion and Order of Honorable Judge Watson issued on March 10, 2023. The filing was not done out of any form of disrespect to the court or honorable judge Watson opinion and decision. However, the Plaintiff have been under an immense amount of personal stress, due to the untimely death first of my daughter who passed away from a heart attack. The November, 26, 2022 my son passed away from a heart attack, and now I am dealing with my elderly 92 year old mom who is having health issues in Cleveland Ohio. I simply, have been over loaded and, truly missed the pleading in my mail box, until i returned back home from Cleveland yesterday. I further advise this court that i traveled directly to the court with my pleading prior to going home and checking over a week worth of mail. It was then, that the plaintiff discovered the ruling from honorable judge Watson, otherwise if seen prior the plaintiff would not have proceeded with the filing. Therefore, the plaintiff filed the improper/wrong document requesting to amend. The Judge has allowed the plaintiff 21 days to amend a proper filing for which this plaintiff will support a cure to the plaintiff complaint. Therefore the plaintiff respectfully request the court to strike the March 22, 2023 filing. The plaintiff will file and amend his complaint as outlined in the judge order.

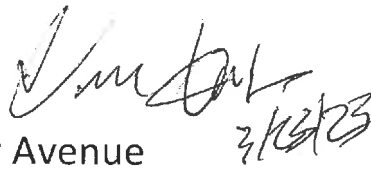
Timothy Gales

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Columbus, Ohio

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tgales37@gmail.com

Handwritten signature of Timothy Gales and the date 3/16/23.